

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DORIS FLOTT, DEB HILGER, LINDSEY
JONES, and ARLENE ORR,

Plaintiffs,

v.

HAIR SALONS, INC. and RANDALL K.
MILLER,

Defendants.

Case No. _____

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendants, Hair Salons, Inc. and Randall K. Miller, hereby remove this action to the United States District Court for the District of Nebraska. The grounds for removal are as follows:

1. A civil action was initially filed by Plaintiffs, Doris Flott, Deb Hilger, Lindsey Jones, and Arlene Orr, against Defendants in the District Court of Douglas County, Nebraska, Doc. 1099 No. 539 on or about September 10, 2009 (the "State Court action").

2. The Complaint and Summons were served upon Defendants on or about September 15, 2009, true and correct copies of which are attached hereto as Exhibit A, pursuant to 28 U.S.C. § 1446(a). No other process, pleading, or order has been served upon Defendants in the State Court action and Defendants have not filed any pleading in the State Court action.

3. This action may be properly removed to this Court pursuant to 28 U.S.C. §§ 1441(a)-(b) in that this Court has original jurisdiction pursuant to 28 U.S.C. § 1331, founded upon the federal questions raised by the Plaintiffs' Complaint.

4. The action arises out of an employment relationship between the parties. According to Plaintiffs' Complaint, Plaintiff seeks unpaid overtime wages for alleged violations

of the Fair Labor Standards Act, 29 U.S.C. § 207. As such, Plaintiffs' cause of action invokes a federal statute and raises a federal question, granting this Court original jurisdiction.

6. This Notice of Removal is being filed and served within thirty (30) days after the receipt by Defendants, through service or otherwise, of a copy of the initial pleadings setting forth the claim for relief, and therefore is timely under 28 U.S.C. § 1446(b).

7. A copy of this Notice of Removal will be served promptly on Plaintiffs' attorney of record and another copy will be filed promptly with the Clerk of the District Court for Douglas County, Nebraska.

WHEREFORE, Defendants prays that the above-captioned action be removed from the District Court of Douglas County, Nebraska, to this Court.

DATED: October 9, 2009.

HAIR SALONS, INC. and RANDALL K.
MILLER, Defendants.

By: s/ Krista L. Kester
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 9, 2009, a true and correct copy of the foregoing was served by first-class mail on counsel for the Plaintiffs:

Craig F. Martin
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10306 Regency Parkway Drive
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s/ Krista L. Kester

Krista L. Kester